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Of moot courts and law trials they know nothing. During this university training the work to be done is purely theoretical. The professors seldom concern themselves with pointing out that the courts adopt a view in conflict with the systematic conclusions which they have drawn. The student will learn that later. Moreover, the rule of *stare decisis* does not prevail, and therefore the decisions are not of such great importance to the development of the law as they are in America.

If it be asked whether a course in Germany will be valuable to the American law student, taking an interest in law not only as a profession, but also as a science, the answer must undoubtedly be in the affirmative. If it be further asked, what is to be gained by such a course? perhaps the answer will be, contact with men of wonderful legal ability and untiring industry, knowledge of a system of law which has formed the basis on jurisprudence of most civilized States, and has had some influence,—perhaps the amount is underestimated,—at various periods on our law, acquaintance with a legal literature covering every branch of law, and treating every subject historically and philosophically, with an ingenuity, depth of thought, industry, and learning, nowhere surpassed, if indeed equalled.

J. W. M.

THE LAW SCHOOL.

LECTURE NOTES.

[These notes were taken by students from lectures delivered as part of the regular course of instruction in the School. They represent, therefore, no carefully formulated statements of doctrine, but only such informal expressions of opinion as are usually put forward in the class-room. For the form of these notes the lecturers are not responsible.]

MONEY PAID UNDER MISTAKE OF FACT. — DEFENCE OF PURCHASE FOR VALUE. — (*From Professor Keener's Lectures.*) — Where A, induced by mistake, intentionally pays money to B, the legal title passes to B, and the obligation, if any, which B is under, is the equitable obligation of restitution. That the legal title passes in such a case is evident if one considers the effect of the conveyance of land under mistake, the fact being that the grantor, though induced by mistake, did intend to convey the land in question to the grantee named. In this latter case no one would question that the legal title had passed, and that at most the grantor's only right was an equitable right of restitution. Yet consent and delivery is as effectual in passing the title to personalty as is the execution and delivery of a deed in the case of realty. Hence, in the case of money paid under mistake, as above supposed, the legal title has passed, and A can have nothing more than an equity. A having only an equity, B, if he is a purchaser for value without notice of A's equity, cannot be compelled to make restitution.¹

¹ *Merchants' Ins. Co. v. Abbott*, 131 Mass. 397 (Sembler), s. c. 1 Keener, Cas. on Qu. Con. 443; *Southwick v. First Nat Bank*, 84 N. Y. 420 (Sembler), s. c. 1 Keener, Cas. on Qu. Con. 319; *Toumans v. Edgerton*, 16 Hun, 28 (Sembler), s. c. 1 Keener, Cas. on Qu. Con. 439. See, however, *Atty. Gen. v. Perry*, Comyns, 481, s. c. 1 Keener, Cas. on Qu. Con. 435.